

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL WHITFIELD,

Case No.: 3:20-cv-00244-RCJ-WGC

## Plaintiff

## **Report & Recommendation of United States Magistrate Judge**

V.

CHRISTINA SENIOR, et. al.,

## Defendants

This Report and Recommendation is made to the Honorable Robert C. Jones, United District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff filed an application to proceed in forma pauperis (IFP) (ECF No. 3) and pro se complaint (ECF No. 1-1). On August 19, 2020, the undersigned issued a report and recommendation that the IFP application be granted, that the defamation claims in the first and second causes of action be dismissed with prejudice, and that the intentional infliction of emotional distress (IIED) and fraudulent misrepresentation claims be dismissed with leave to amend. (ECF No. 4.)

On September 21, 2020, District Judge Jones entered an order adopting and accepting the report and recommendation and gave Plaintiff 30 days to file an amended complaint with respect to the IIED and fraudulent misrepresentation claims. Plaintiff was cautioned that a failure to timely file the amended complaint would result in dismissal of this action. (ECF No. 5.)

22 To date, Plaintiff has not filed an amended complaint; therefore, this action should be  
23 dismissed with prejudice.

## **RECOMMENDATION**

2 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**  
3 this action **WITH PREJUDICE**.

4 Plaintiff should be aware of the following:

5 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to  
6 this Report and Recommendation within fourteen days of being served with a copy of the Report  
7 and Recommendation. These objections should be titled “Objections to Magistrate Judge’s  
8 Report and Recommendation” and should be accompanied by points and authorities for  
9 consideration by the district judge.

10 2. That this Report and Recommendation is not an appealable order and that any notice of  
11 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed  
12 until entry of judgment by the district court.

14 | Dated: November 18, 2020

William G. Cobb  
William G. Cobb  
United States Magistrate Judge